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Conditions of service and compensation for officials other than Secretariat officials: members of the International Court of Justice and judges and ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda

Report of the Secretary-General

Addendum

On 4 October 2007 the Registrar of the International Tribunal for the Former Yugoslavia addressed a letter to the Secretary-General on the pensions of the judges of the International Tribunal (see annex).

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Annex

Letter dated 4 October 2007 from the Registrar of the International Tribunal for the Former Yugoslavia to the Secretary-General

The General Assembly will consider the conditions of service of judges of the International Tribunal for the Former Yugoslavia at its sixty-second session. An issue of critical importance to judges of the International Tribunal is the elimination of the discrimination that currently exists in the disparity of their pensions with judges of the International Court of Justice, in violation of article 13bis (3) of the Statute of the International Tribunal.

While the position of the Tribunal's judges on this issue has been included in your previous report to the General Assembly (A/61/554) of 2 November 2006, I would be grateful if you were to bring to the attention of the members of the General Assembly the following additional information pertaining to the financial and operational benefits derived from the renewal of the term of office of judges.

The replacement costs for the permanent judges at the International Tribunal can be estimated at approximately 79,000 euros per judge. Since its inception, the International Tribunal has seen the renewal of 16 permanent judges, rather than their replacement. Significant savings have been achieved in the past and can be further realized if judges' terms of office are renewed in the future.

The financial costs of replacing permanent judges cannot, however, be measured only in terms of costs of new appointment. The Tribunals are required to function at maximum speed in order to complete all proceedings as expeditiously as possible. With each departure of a judge, institutional knowledge and specific expertise is lost and must be acquired by the replacement judge. The retention and continuity of judges is deemed essential for the Tribunal to maintain the fast pace of trial activity as well as the quality of work and high standards expected from the Tribunal. When considering the benefits of continuity and the level of institutional knowledge that is retained by renewing, rather than replacing permanent judges, it is clear that the non-renewal of the mandates of permanent judges will have a serious impact on the ability of the International Tribunal to complete its work expeditiously. This may be most evident in the expected extension of trials to which new judges are assigned. Substantial savings can be achieved if the Tribunals are able to retain judges through the final stages of their terms of office. Considering current budget levels, a delay of even one month in trial proceedings could have important financial implications on the financing of the Tribunal and by extension on the level of assessments to Member States.

The Tribunal considers that the savings associated with reduced levels of rotation of judges both economic and in terms of efficiency warrant the implementation of measures aimed at motivating current judges to seek further renewal of their terms of office rather than returning to their national jurisdictions.

As explained in my letter dated 13 July 2006, which was reproduced in annex IV to your report (A/61/554), the pension scheme for judges of the International Tribunal does not reflect substantial equivalence with the pension for judges of the International Court of Justice. The Tribunal's proposal to grant judges of the Tribunal parity with judges of the International Court of Justice in terms of pension

Tribunal parity with judges of the International Court of Justice in terms of pension entitlements will, in our view, motivate judges to remain at the Tribunal rather than return to their national service to secure their pension entitlements following the completion of trials. These are important considerations to be borne in mind as decisions are taken in response to General Assembly resolution 61/262, in which it calls for, inter alia, the possibility of calculating pensions on the basis of the number of years served rather than the term of office.

(*Signed*) Hans **Holthuis**
Registrar